

**Congress of the United States**  
**Washington, DC 20515**

November 3, 2021

The Honorable Joseph R. Biden, Jr., President  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear President Biden,

We write to express our concern regarding your recent action to postpone the release of the remaining documents related to the assassination of President John F. Kennedy. We urge you to release all remaining documents related to President Kennedy's assassination pursuant to and in accordance with the President John F. Kennedy Assassination Records Collection Act of 1992, also known as the "JFK Act."

Congress unanimously enacted the JFK Act to establish a presumption for immediate disclosure of documents related to one of the greatest tragedies in our nation's history—the assassination of President John F. Kennedy. The JFK Act requires federal agencies to declassify and make available to the public all records relating to President Kennedy's assassination subject to rare and limited exemptions.<sup>1</sup> The purpose of this act was to restore the public's trust in government and prevent the spread of conspiracy theories bolstered by secrecy by fostering transparency and facilitating public scrutiny of these documents.<sup>2</sup>

Congress set forth a limited number of exceptions that warranted postponement of disclosure. To postpone disclosure, the agency seeking to do so would have to show by *clear and convincing evidence* that each assassination record fulfilled one of the limited exceptions.<sup>3</sup> Most notably, the JFK Act allows for postponement of disclosure when necessary due to a specific threat to the military defense, intelligence operations, law enforcement, or conduct of foreign relations.<sup>4</sup>

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<sup>1</sup> President John F. Kennedy Assassination Records Collection Act of 1992 (Pub. L. No. 102-526) §2(a); 44 U.S.C. 2107 note.

<sup>2</sup> See Henry F. Graff et al., "Final Report of the Assassination Records Review Board" (Assassination Records Review Board, September 30, 1998), <https://www.archives.gov/files/research/jfk/review-board/report/arrb-final-report.pdf>.

<sup>3</sup> 44 U.S.C. 2107 note, § 6.

<sup>4</sup> *Id.* at § 6(1)

Last week, you issued a memorandum temporarily certifying the withholding of documents from disclosure.<sup>5</sup> The basis of this decision is in part predicated on administrative delays caused by the COVID-19 pandemic. You stated in your memorandum that such postponement in response to the impacts of COVID-19 on the agency review process is necessary to “protect against identifiable harm to the military defense, intelligence operations, law enforcement, or the conduct of foreign relations that is of such gravity that it outweighs the public interest in immediate disclosure.”

When Congress enacted the JFK Act, they gave notice to federal agencies that documents should be processed and released if not subject to an exemption by October 26, 2017. Although former President Trump extended this deadline to April 26, 2018, and then October 26, 2021, agencies are still claiming they need more time to process and release documents, particularly because of the burden of the pandemic. These extensions, however, have given the relevant federal agencies an extra two and a half years prior to the COVID-19 pandemic and one year during the pandemic to process, evaluate, and release the relevant records. Given the previous extensions, it is unacceptable to use the pandemic as a reason to further delay the release of these documents.

We request a briefing from the appropriate Executive Branch official with knowledge and relevant information of the decision to certify postponement to discuss the delayed release of these documents. Further, we urge you to reevaluate your temporary certification postponing the release of the remaining records in accordance with the JFK Act. Should there be individual documents that qualify for the limited and rare exceptions, the President should weigh in each instance the gravity of the identifiable harm occurring from the release of the document against the public interest in full disclosure to make a final determination on the release of the remaining documents. The limited capacity to review existing documents is not a permissible reason authorizing the continued postponement of release.<sup>6</sup>

It is our hope that you take this opportunity to exercise the authority vested in you to restore public trust in our government by promoting transparency. We have waited for over 50 years for the release of these documents, and time is of the essence.

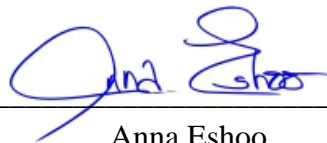
Thank you for your consideration of this request.

Sincerely,



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Steve Cohen  
Member of Congress




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Anna Eshoo  
Member of Congress

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<sup>5</sup> Memorandum of the President of the United States, “Temporary Certification Regarding Disclosure of Information in Certain Records Related to the Assassination of President John F. Kennedy” (Oct. 22, 2021), 86 Fed. Reg. 59599 (Oct. 27, 2021).

<sup>6</sup> See 44 U.S.C. 2107 note, § 6.



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Jamie Raskin  
Member of Congress



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James P. McGovern  
Member of Congress